



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: USHIO  
Application No.: 09/716,356  
Filed: November 21, 2000  
For: INTERFERON-GAMMA (IFN- $\gamma$ ) INDUCING POLYPEPTIDE, PHARMACEUTICAL...

Art Unit: 1646  
Examiner: D. Jiang  
Washington, D.C.  
Atty.'s Docket: USHIO=2  
Date: May 9, 2001

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a ☐ Amendment ☒ NOTICE TO COMPLY WITH SEQUENCE LISTING REQUIREMENTS  
in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted  
☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
☒ No additional fee.  
☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 40	\$
+ 135	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 80	\$
+ 270	\$
TOTAL	
\$	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within  
☐ First - \$ 55.00  
☐ Second - \$ 195.00  
☐ Third - \$ 445.00  
☐ Fourth - \$ 695.00  
Month After Time Period Set

Other Than Small Entity  
Response Filed Within  
☐ First - \$ 110.00  
☐ Second - \$ 390.00  
☐ Third - \$ 890.00  
☐ Fourth - \$ 1390.00  
Month After Time Period Set

☐ Less fees (\$ ) already paid for month(s) extension of time on .

- ☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ .  
☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .  
☐ A check in the amount of \$ is attached (check no. ).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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RECEIVED #5  
MAY 16 2001  
TECH CENTER 1600/2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: USHIO

**RECEIVED**

MAY 16 2001

TECH CENTER 1600/2900

In re Application of:

USHIO et al.

Appln. No.: 09/716,356

Filed: November 21, 2000

For: INTERFERON- $\gamma$  INDUCING  
POLYPEPTIDE, PHARMACEUTICAL  
COMPOSITION THEREOF,  
MONOCLONAL ANTIBODY THERETO,  
AND METHODS OF USE

) Art Unit: 1646

) Examiner: D. JIANG

) Washington, D.C.

) May 9, 2001

**RESPONSE TO NOTICE TO COMPLY WITH  
SEQUENCE LISTING REQUIREMENTS**

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply, dated April 17, 2001, and prior to the examination of the above-described application, attached hereto is a computer readable form of the sequence listing on a 3½" computer diskette.

The following statements are provided to meet the requirements of 37 C.F.R. §1.821(f) and 1.821(g).

I hereby state, in accordance with 37 C.F.R. §1.821(f), that the content of the attached computer readable form of the sequence listing is believed to be the same as the paper copy of the sequence listing as originally filed.

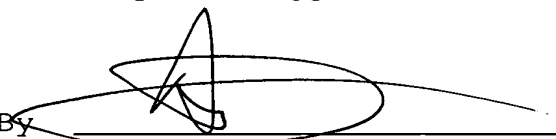
I hereby also state, in accordance with 37 C.F.R. §1.821(g), that the submission is not believed to include new matter.

Applicants submit that the present application contains patentable subject matter and therefore urge the examiner to pass the case to issuance.

If the examiner has any questions or comments concerning the above described application, the examiner is urged to contact the undersigned at the phone number below.

Respectfully submitted,

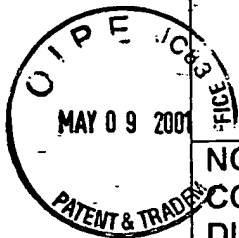
BROWDY AND NEIMARK, P.L.L.C.  
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F:\S\SUMA\USHIO2\pto\RESPONSE TO NOTICE TO COMPLY SEQ LIST.wpd



## Notice to Comply

Application No.	09/716,356		Applicant(s)	Ushio et al.	
Examiner	DONG JIANG		Art Unit	1646	

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Applicant should follow the format of the attached sample statement to request that the CRF filed in the parent application be used to create a CRF in this application.

#### Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

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